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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,256	03/09/2001	Victor S. Moore	6169-181	7052

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EXAMINER
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CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/28/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/803,256

Applicant(s)

MOORE ET AL.

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3, 5/21/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-20 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 5-13, 16-20 are rejected under 35 U.S.C. 102(e) as being unpatentable over Treyz et al (hereinafter Treyz), U.S. Patent No. 6,587,835.

4. As to claim 1, Treyz anticipates a method for providing kiosk service offerings (column 21, line 1 to column 23, line 7) comprising:

configuring a kiosk to provide electronic services over short-range radio

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communications links to wireless devices in a personal area network (PAN), said kiosk also configured to communicate over an existing physical communications link medium (Figure 107, items 12, 1002, 1000, 1014, 1022);

establishing a short-range radio communications link with a wireless device in said PAN (column 60, lines 57-67);

retrieving selected electronic services over said existing physical communications link medium (column 61, lines 34-36); and,

delivering said retrieved selected electronic services to said wireless device in said PAN over said short-range radio communications link (Figure 111, column 60, lines 57-67 and column 61, lines 16-31).

5. As to claim 2, Treyz anticipates a method wherein said step of establishing a short-range radio communications link with said wireless device in said PAN comprises establishing a Bluetooth-based communications link with said wireless device (column 13, lines 29-38).

6. As to claim 3, Treyz anticipates a method wherein said configuring step comprises retrofitting an existing kiosk both with a short-range radio frequency communications system, and with a host computing device for selectively retrieving electronic services over said existing physical communications link medium, and for delivering selected electronic services to said wireless devices in said PAN (Figure 107, items 1000, 1008, 1014, 1022, 1024, 1002 and 12, and column 61, lines 8-31).

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7. As to claim 5, Treyz anticipates a method wherein said step of retrieving specified electronic services over said existing communications network comprises retrieving electronic messages from an electronic mail server communicatively linked to said kiosk over said existing physical communications link (Figure 21, lines 1-35 and column 38, lines 23-38).
8. As to claim 6, Treyz anticipates a method wherein said step of retrieving specified electronic services over said existing physical communications link medium comprises retrieving an application from an application service provider communicatively linked to said kiosk over said existing physical communications link medium (column 11, line 57 to column 12, line 20 and lines 28-55).
9. As to claim 7, Treyz anticipates the method wherein said step of delivering said retrieved specified electronic services to said wireless device in said PAN over said short-range radio communications link comprises delivering said retrieved electronic mail to an electronic mail client in said wireless device (column 1, line 66 to column 2, line 3 and column 38, lines 24-38).
10. As to claim 8, Treyz anticipates a method wherein said step of delivering said retrieved specified electronic services to said wireless device in said PAN over said short-range radio communications link comprises delivering said retrieved application for

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execution in said wireless device (column 62, lines 43-47 where the service is the mp3 file to be executed on the handheld).

11. As to claim 9, Treyz anticipates a method further comprising:

determining if said specified electronic services wholly reside in said kiosk (Figure 107, item 1018 and column 61, line 26);

if it is determined that said specified electronic services wholly reside in said kiosk, delivering said specified electronic services to said wireless device in said PAN without retrieving said specified electronic services over said existing physical communications link medium (column 61, line 26 and column 62, lines 7-18).

12. As to claim 10, Treyz anticipates a method further comprising:

determining if components of said specified electronic services reside in said kiosk; and,

delivering said components determined to reside in said kiosk to said wireless device while retrieving components not residing in said kiosk over said existing physical communications link medium (column 22, lines 43-54 and lines 65-66 and column 62, lines 53-61).

13. As to claim 11, Treyz anticipates a method wherein said step of delivering said retrieved specified electronic services to said wireless device in said PAN over said short-range radio communications link comprises delivering retrieved components of said specified

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electronic services to said wireless device while retrieving remaining components of said specified electronic services (column 31, lines 31-43 – where the electronic services is the video from the merchants, the component is the data of the video and delivering data in “real-time” signifies that retrieved data is delivered to the user while retrieving the remaining data).

14. As to claim 12, Treyz anticipates a kiosk for distributing electronic services to wireless devices in a PAN comprising:

- a kiosk configured to communicate with a communications network over an existing physical communications link medium (Figure 107, items 1000 and 1022);

- a network communications client for communicating with servers in said communications network (Figure 107, items 1000, 1022 and 1024, Figure 111 and column 32, line 24-52);

- a short-range radio communications system for communicating with wireless devices in the PAN (Figure 107, item 1002 and column 60, lines 57-62); and

- a list of electronic services which can be distributed to wireless devices in the PAN, said electronics services in said list residing locally in said kiosk and remotely in said servers in said communications network (Figure 107, items 1018 and 1024 and Figures 108, 109, 111 and column 61, line 41 to column 62, line 61).

15. As to claim 13, Treyz anticipates a kiosk wherein short-range communications system comprises a short-range radio communications system configured in accordance with Bluetooth specifications (column 13, lines 29-38).

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16. As to claim 16, Treyz anticipates a kiosk wherein said server is an application server (column 12, lines 20-45).

17. As to claim 17, Treyz anticipates a kiosk wherein said communications network is an Internet (column 61, lines 34-36).

18. As to claim 18, Treyz anticipates a method for delivering electronic services in a PAN comprising:

providing a kiosk in a publicly traversable area, said kiosk configured to deliver electronic services over a short-range radio communications links to wireless devices in a PAN, said existing kiosk also configured to communicate over an existing physical communications link medium (Figure 107, items 1000, 1002, 12, 1022, 1024 and column 62, lines 62-67);

establishing a PAN in said publicly traversable area (column 61, lines 18-24);

selectably retrieving electronic services through said existing physical communications link medium into said kiosk (column 61, lines 34-36); and

delivering said retrieved selected electronic services to wireless devices in said PAN over said short-range radio communications link (column 61, lines 18-24 and column 62, lines 7-17).



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19. As to claim 19, Treyz anticipates a method wherein said step of establishing a PAN in said publicly traversable area comprises establishing a BLUETOOTH-based PAN with wireless devices in said publicly traversable area (column 13, lines 29-38 and column 62, lines 62-67).

20. As to claim 20, Treyz anticipates a method wherein said step of providing a kiosk comprises:

retrofitting an existing kiosk both with a short-range radio frequency communications system, and with a host computing device for selectively retrieving electronic services over said existing physical communications link medium, and for delivering selected electronic services to said wireless devices in said PAN (Figure 107, items 1000, 1008, 1014, 1022, 1024, 1002 and 12, and column 61, lines 8-31); and

activating said retrofitted kiosk in said publicly traversable area (column 22, lines 43-54 and column 62, lines 62-67).

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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22. Claim 4 is rejected under 35 U.S.C 103(a) as being unpatentable over Treyz as applied to claim 1 above, in view of an Official Notice.

23. Treyz teaches a method wherein said existing physical communications link medium is selected from the group consisting of a data communications link (Figures 111 and 107, item 1022 and column 61, lines 34-36, column 62, lines 52-56).

However, he does not specifically teach that the physical communications link medium could consist of a telephone network communications link.

24. Official Notice is taken that it is well-known and expected in the art to have implemented Treyz communications network as a telephone network communications link. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected a telephone network as Treyz communication network so the kiosk would have been able to communicate and transmit data over reliable land telephone lines.

25. Claim 14 is rejected under 35 U.S.C 103(a) as being unpatentable over Treyz, as applied to claim 12 above, in view of Clagett et al (hereinafter Clagett), U.S Patent No. 5,218,633

26. As to claim 14, Treyz teaches a kiosk wherein said kiosk is selected from the group consisting of a gasoline station island, an airline check-in desk, a ticketing booth, a retail-checkout counter, a toll booth, and an automatic teller machine (column 21, lines 1-24, column 19, line 54 to column 20, line 7 and column 65, lines 45-60).

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Treyz fails to teach that a kiosk can be a public telephone.

27. Claggett teaches that a kiosk can be a public telephone (column 1, lines 28-44). It would have been obvious to select a kiosk as a public telephone to allow users the ability to make a phone call with convenience of a kiosk screen for displaying relevant information.

28. Claim 15 is rejected under 35 U.S.C 103(a) as being unpatentable over Treyz as applied to claim 12 above, in view of an Official Notice.

29. Treyz teaches a kiosk wherein said existing physical communications link medium is selected from the group consisting of a data communications link (Figures 111 and 107, item 1022 and column 61, lines 34-36, column 62, lines 52-56).

However, he does not specifically teach that the physical communications link medium could consist of a telephone network communications link.

30. Official Notice is taken that it is well-known and expected in the art to have implemented Treyz communications network as a telephone network communications link. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected a telephone network as Treyz communication network so the kiosk would have been able to communicate and transmit data over reliable land telephone lines.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (703)305-8864. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC

  
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